

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re appl. of Matthew ISOM, et al.

Serial No.: 10/820,707

Examiner: Rodney M. Lindsey

Conf. No.: 8741

Art Unit: 3765

Filed: April 9, 2004

**For: APPARATUS AND METHOD FOR MAKING AN EAR WARMER
AND AN EAR WARMER FRAME**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In the Election of Species Requirement mailed October 19, 2004, the due date for response is extended to December 20, 2004 by the 1 month extension of time request submitted herewith (December 19, 2004 is a Sunday), the Examiner required that the Applicant elect between the following distinct species of the claimed invention:

Species of Figures 9 and 10;

Species of Figure 11 - 13;

Species of Figure 15;

Species of Figures 16 and 17;

Species of Figures 18 and 19; and

Species of Figure 20.

The Applicants elect, without traverse, the Species of Figures 16 and 17.

The Examiner identified claims 16, 17, and 19 as being generic to the above-referenced species. Of the remaining claims, the Applicants identify at least claims 1, 2, 10, 11, 14, 15, 16-18, 20, and 22 as reading on the Species of Figures 16 and 17.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R.

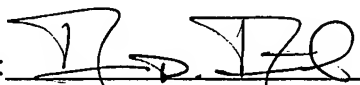
§§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to

Deposit Account No. 50-1283.

Dated: December 20, 2004

Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190-5656
Tel: (703) 456-8000
Fax: (703) 456-8100

Respectfully submitted,
COOLEY GODWARD LLP

By: 
Timothy D. Ford
Reg. No. 47,567